

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARGARET STEELE,)	CASE NO:
)	
Plaintiff,)	
)	
vs.)	COMPLAINT
)	
LIFE INSURANCE COMPANY OF)	
NORTH AMERICA, D/B/A CIGNA)	
GROUP INSURANCE,)	
)	
Defendant.)	

COMES NOW the Plaintiff, Margaret Steele, and for her cause of action against the Defendant, alleges and states as follows:

1. Plaintiff is a resident of Yutan, Saunders County, Nebraska.
2. At all times relevant hereto, Defendant, Life Insurance Company of North America, d/b/a CIGNA Group Insurance, hereinafter referred to as "CIGNA", was and is an insurance company authorized to engage in business in the State of Nebraska, pursuant to and in accordance with the laws of this State; CIGNA is generally engaged in selling insurance, including long term disability insurance.

JURISDICTION

3. Jurisdiction is based upon the fact that this action arises out of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §1,001 et seq., and therefore presents a question arising out of a federal statute.

CAUSE OF ACTION

4. Plaintiff hereby incorporates paragraphs 1-3 as if set forth herein verbatim.

5. Plaintiff was employed by Schering-Plough Animal Health as a laboratory technician. Plaintiff began employment with Schering-Plough in approximately March 1998, and remained employed by Schering-Plough at all times relevant hereto.

6. Defendant CIGNA had an agreement with Schering-Plough to provide long-term disability insurance coverage to eligible employees of Schering-Plough. A copy of said Long-Term Disability Plan is attached hereto as Exhibit "A" and incorporated herein by reference.

7. Plaintiff, while employed by Schering-Plough was among the eligible class of persons entitled to receive benefits pursuant to CIGNA's agreement with Schering-Plough and was a beneficiary and "insured person" under the subject long-term disability policy.

8. On August 17, 2005, Plaintiff experienced extreme pain in her buttocks, left hip and left hand after positioning herself on a lab chair and suddenly and unexpectedly falling off the chair onto the floor. Plaintiff was subsequently diagnosed with chronic neuropathic pain, lumbar sacral mechanical low-back pain, urinary incontinence and cystocele and rectocele, memory disturbance, possible pseudo-dementia related to underlying depression, migraine headache pain, sensory neural hearing loss right ear, anxio-depressive symptoms of dysthymia, history of fibromyalgia, job related stress and related psychiatric and emotional mental injuries.

9. Despite ongoing medical treatment, Plaintiff's diagnoses and symptoms have limited her ability to perform the gainful work for which her education, training and experience qualifies her and have rendered her totally disabled.

10. As a result of Plaintiff's diagnoses and symptoms, Plaintiff has been on disability leave since January 30, 2008.

11. Defendant CIGNA determined that Plaintiff was disabled from performing the material duties of her regular occupation as of August 6, 2008.

12. Defendant CIGNA began paying Plaintiff long-term disability benefits on or about August 6, 2008, from her CIGNA Long-Term Disability Plan. Plaintiff received disability benefits from CIGNA until approximately August 5, 2010, when Plaintiff's long-term disability benefits were terminated by CIGNA.

13. Plaintiff's medical providers are of the opinion, and were of the opinion on or before August 5, 2010, that Plaintiff is unable to participate in gainful work activities for which her education, training and experience qualifies her. Plaintiff has been restricted from lifting more than 10 pounds on more than an occasional basis, to avoid repetitive activity with the arms extended out in front of her, and restricted from long periods of sitting or standing. According to her medical providers, and in addition to the symptoms listed above, Plaintiff has fibromyalgia and continues to experience significant symptoms of myalgias, arthralgias, headaches, poor quality of sleep, chronic fatigue, numbness and tingling.

14. Plaintiff administratively appealed Defendant's decision to discontinue her long-term disability benefits. However, on October 28, 2011, Defendant CIGNA upheld its previous denial of Plaintiff's long-term disability benefits. (See Exhibit "B", attached hereto and incorporated herein by reference). Plaintiff has exhausted her administrative remedies against Defendant CIGNA.

15. Plaintiff is totally disabled and is entitled to receive total disability benefits from the date said benefits were terminated until such time as her 65th birthday, her death, or the date upon which she is no longer totally disabled.

WHEREFORE, Plaintiff prays for judgment against the Defendant for past due total disability benefits, future disability benefits, attorneys fees and her costs herein expended.

MARGARET STEELE, Plaintiff

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